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Docket No.: 02559/100F420-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Moshe Zilberstein, et al.

Confirmation No. 5469

Application No.: 09/422,387

Art Unit: 2155

Filed: October 21, 1999

Examiner: K. Q. Dinh

For: SYSTEM AND METHOD FOR PROCESSING
AND PRESENTING INTERNET USAGE
INFORMATION TO FACILITATE USER
COMMUNICATIONS

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. § 41.37

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellants submit this brief in accordance with 37 C.F.R. § 41.37 in support of their appeal from the Final Office Action, mailed June 13, 2005 by Examiner Khanh Q. Dinh, and the Notice of Panel Decision from Pre-Appeal Brief Review, mailed January 5, 2006, in the above-identified patent application.

In accordance with the Pre-Appeal Brief Conference Pilot Program, "the period of time for filing the appeal brief will be the later of the two-month period set in 37 C.F.R. § 41.37(a) or one month from the mail date of the decision on the request." See USPTO OG Notice: July 13, 2005. Therefore, Appellants submit that this Appeal Brief is timely filed, and requires no extension of time fees. However, the Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this Appeal Brief, or to credit any overpayment, to Deposit Account No. 04-0100.

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teachings. There must be a reason or suggestion in the art for selecting the procedure used, other than the knowledge learned from the Appellant's disclosure.” *In re Dow Chemical Co.*, 5 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1988) (citations omitted).

As demonstrated above, Appellants submit that the Examiner has not shown any objective teaching from the cited art that would lead an individual to combine Hoyer and Smith. A person of ordinary skill in the art in possession of Hoyer at the time of the invention would not be motivated to look to Smith's teaching regarding maintaining an indirection table of URL hyperlinks to solve the problem of providing a user with performance usage information of one website, while the user is connected to any website on a communication network. Therefore, the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness.

For all of the reasons set forth above, the rejections of claims 7-11, 14, 15 and 20-26 should be reversed. Appellants respectfully request that the application be remanded to the Primary Examiner with an instruction to withdraw the 35 U.S.C. § 103(a) rejections, and pass the case to allowance.

Respectfully submitted,

Dated: January 30, 2006

By

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APPENDIXES

receiving, from the user, a designation of the first web page as a monitored website wherein the monitored website is any web site on a communication network;
monitoring usage of the monitored website; and
transmitting data representative of the usage to the user by way of a monitor window when the user is connected to any other website on the communication network.

15. (Previously Presented) An apparatus for providing usage information of a first web site designated by a user, comprising:

a processor; and

a memory storing processing instructions for controlling the processor, the processor operative with the processing instructions to:

receive, from the user, a designation of the first web page as a monitored website wherein the monitored website is any web site on a communication network;

monitoring usage of the monitored website; and

transmitting data representative of the usage to the user by way of a monitor window when the user is connected to any other website on the communication network.

16-19 (Canceled)

20. (Previously Presented) The method of claim 7, wherein the usage information comprises of an indication of a most-popular next-visited web site for a plurality of users;

an indication of web sites visited by the plurality of users prior to visiting the first web site; and

an indication of when and for how long the plurality of users visited the first web site.

21. (Previously Presented) A method for providing usage information of a first web site designated by a first user, the method comprising:

receiving, from the first user, a designation of the first web site as a monitored website, wherein the monitored website is any web site on a communication network;

monitoring at least one other user's usage of the monitored website; and

transmitting data representative of the at least one other user's usage to the first user by way of a monitor window when the first user is connected to any other website on the communication network.

22. (Previously Presented) The method of claim 21, further comprising:
displaying to the first user the at least one other user's usage information in a graphical format.
23. (Previously Presented) The method of claim 21, further comprising:
displaying to the first user the at least one other user's usage information in a text format.
24. (Previously Presented) The method of claim 21, wherein the at least one other user's usage information is displayed automatically to the first user.
25. (Previously Presented) The method of claim 21, wherein the at least one other user's usage information is displayed in response to a command generated by the first user.
26. (Previously Presented) The method of claim 21, wherein the usage information comprises an indication of a most-popular next-visited web site for a plurality of users, an indication of web sites visited by the plurality of users prior to visiting the first web site, and an indication of when and for how long the plurality of users visited the first web site.

EVIDENCE APPENDIX

All evidence is in the record.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings for this matter.



Application No. (if known): 09/422,387

Attorney Docket No.: 02559/100F420-US1

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Registration Number, if applicable _____

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Fee Transmittal (1 page)

Appeal Brief Transmittal (1 page)

Appellants' Brief on Appeal under 37 C.F.R. 41.37 (12 pages) (3 copies)

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known	
		Application Number	09/422,387-Conf. #5469
		Filing Date	October 21, 1999
		First Named Inventor	Moshe Zilberstein
		Examiner Name	K. Q. Dinh
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Art Unit	2151	
TOTAL AMOUNT OF PAYMENT	(\$) 500.00	Attorney Docket No.	02559/100F420-US1

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: 04-0100 Deposit Account Name: Darby & Darby P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
14	- 40 =	x	=	Fee (\$) Fee Paid (\$)
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	
4	- 13 =	x	=	

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
	- 100 =	/50	(round up to a whole number) x	=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 1402 Filing a brief in support of an appeal	500.00
	Fees Paid (\$)

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	47,698	Telephone	(212) 527-7700
Name (Print/Type)	Richard J. Katz	Date	January 30, 2006		

Express Mail Label No.

Dated: _____

